

**REMARKS*****Claim Rejections Under 35 U.S.C. § 103***

Claims 1-5, 7-11 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Eitan (U.S. Patent No. 6,552,387) in view of Ling (U.S. Patent No. 5,811,852).

Claims 1, 9, and 23 are amended to recite, in part, “first and second oxide layers, each formed above a different one of the source/drain regions, the first and second oxide layers laterally separated from each other.” Applicant contends that these amendments make it clear that a separate oxide layer is formed above each source/drain region, and that there is lateral separation between these layers such that these claims cannot read on a single oxide layer extending contiguously from one source/drain region to the other. Support for this amendment is found in the present specification at paragraph 0026 and Figure 2 of the present drawings. Therefore, no new matter has been added by this amendment.

The Office Action identifies Eitan’s layer 18 as corresponding to Applicant’s first and second oxide layers. Office Action, page 2, third paragraph. However, Applicant has amended its independent claims 1, 9 and 23 to clarify that a single contiguous layer cannot correspond to its first and second oxide layers. Applicant thus contends that at least this element of claims 1, 9 and 23 is neither taught nor suggested by the primary reference of Eitan. Applicant further contends that the secondary reference of Ling fails to overcome this deficiency as it, too, does not teach or suggest any structure corresponding to Applicant’s first and second oxide layers having an overlying gate insulator as further recited in Applicant’s claims 1, 9 and 23. Therefore, taken either alone or in combination, the cited references fail to teach or suggest each and every limitation of Applicant’s claims 1, 9 and 23.

As claims 2-5 and 7-8 include all patentable limitations of claim 1, claims 10-11 include all patentable limitations of claim 9, these claims are also believed to be allowable. Applicant thus respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a), and allowance of claims 1-5, 7-11 and 23.

New Claims

Claims 33-40 are added herein. Applicant contends that the claims are fully supported by the Specification as filed and thus do not constitute new matter. Applicant further contends that as each of the new claims includes all patentable limitations of claim 23, they are allowable for at least the same reasons as claim 23 and are properly presented for examination in this application. Applicant thus respectfully requests entry and allowance of new claims 33-40.

CONCLUSION

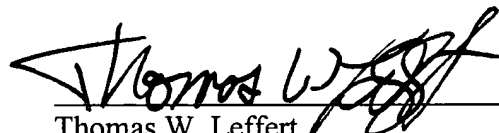
Claims 1, 9 and 23 are amended herein. Claims 33-40 are added herein. Claims 1-5, 7-11, 23 and 33-40 are now pending.

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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